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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 09/954,874 | 09/12/2001 | Irwin Jerold Singer | 17037A | 8268 |
| 23556 | 7590 | 03/08/2006 | EXAMINER | |
| KIMBERLY-CLARK WORLDWIDE, INC. 401 NORTH LAKE STREET NEENAH, WI 54956 | | | SALVATORE, LYNDIA | |
| | | | ART UNIT | PAPER NUMBER |

1771

DATE MAILED: 03/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|---------------------------------------|--------------------------------------|--|
| Office Action Summary | Application No. 09/954,874 | Applicant(s) SINGER ET AL. | |
| | Examiner Lynda M. Salvatore | Art Unit 1771 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 17-28 and 30-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 17-28 and 30-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Applicant's remarks filed 12/13/05 have been fully considered and entered. However, Applicant's arguments are not found persuasive of patentability for reasons set forth herein below.

Claim Rejections - 35 USC § 103

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 17-28 and 30-44 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Drew, US 6,186,320 in view of Midkiff et al., US 5,709,735 and further in view of McCormack et al., US 5,964,742 for reasons set forth in previous Office Actions.

Applicant argues a lack of motivation to make the combination rejection set forth above. Specifically, Applicant argues that the high stiffness non-woven material taught by Midkiff et al., would not be suitable to use in the storage sleeve taught by Drew. Applicant asserts that the stiff, pleated through-air-bonded non-woven material taught by Midkiff et al., are primarily used for filtration and there is nothing to suggest that one of ordinary skill in the art would be motivated to employ said material in the storage sleeve taught by Drew.

With regard to the recited unbonded bond pattern limitations, Applicant argues that Midkiff et al., teach away from employing thermal point bonding and prefer through-air-bonding. Applicant argues that since Midkiff et al., specifically teach that thermal point bonding does not provide the required stiffness, there is no motivation to employ the point unbonded method of McCormack et al. These arguments are not found persuasive. The Examiner maintains that the combination of cited prior art renders the instant invention obvious.

With regard to Applicant's lack of motivation argument to combine the Drew and Midkiff et al., the Examiner maintains that the teaching of a flexible storage sleeve by Drew does not necessarily preclude providing a storage sleeve also having good structural integrity. Since Drew does not limit the degree of flexibility, it is the position of the Examiner that employing the spun-bonded polyolefin non-woven web taught by Midkiff et al., which possesses all of the claimed structural and chemical features set forth including the Gurley stiffness property limitation, would not necessarily render the storage sleeve of Drew inflexible. Moreover, the flexible storage sleeve of Drew must have some minimum degree of stiffness or it would lack sufficient structural integrity to function as a storage sleeve.

Therefore, the Examiner maintains that it would have been obvious to one having ordinary skill in the art at the time the invention was made to form the double-sided storage sleeve taught by Drew with the spunbonded polyolefin non-woven fabric taught by Midkiff et al.

With regard to Applicant's argument that Midkiff et al., teach away from thermal point bonding, it is respectfully pointed out that obviousness may exist although teachings relied upon may be disclosed in the art as non-preferred or unsatisfactory (*In re Hans Theodor Boe* 148 USPQ 507). All of the disclosures in a reference must be evaluated for what they fairly teach one of ordinary skill in the art (*In re Smith*, 32 CCPA 959,148 F.2d 351,65 USPQ167; *In re Nehrenberg*, 47 CCPA 11159,280 F.2d 161,126 USPQ 383; *In re Watanabe*, 50 CCPA 1175,315 F.2d 924,137 USPQ 350). As such, it is the position of the Examiner that though Midkiff et al., may not necessarily prefer thermal point bonding over through-air-bonding to form the exemplified non-woven material, it would be improper to ignore the teachings of Midkiff et al., related to thermal point bonding as a non-woven bonding means. Based on the whole disclosure

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of Midkiff et al., it is the position of the Examiner that one of ordinary skill in the art would easily recognize that thermal point bonding can be employed as a bonding method when greater stiffness is not a critical factor (e.g., in the formation of disposable garments and protective fabrics). To that end, the reference of McCormack et al., was relied upon to evidence that Applicant's claimed point unbonded method is known in the art to produce fabrics with good strength and acceptable softness.

Therefore, the Examiner maintains that it would have been obvious to one having ordinary skill in the art at the time the invention was made to pattern unbond the non-woven fabric taught by Midkiff et al., in the protective storage sleeve provided by Drew et al., in view of Midkiff et al., as taught by McCormack et al.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lynda M. Salvatore whose telephone number is 571-272-1482.

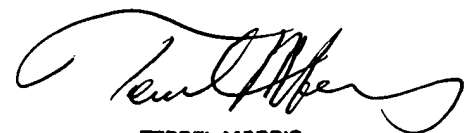
The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on 571-272-1478. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

March 1, 2006

ls



TERREL MORRIS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700